



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/622,855

10/16/2000

Michel L.F. Grech

P/61380-PCT

8141

156

7590

08/03/2006

KIRSCHSTEIN, OTTINGER, ISRAEL
& SCHIFFMILLER, P.C.
489 FIFTH AVENUE
NEW YORK, NY 10017

EXAMINER

JAIN, RAJ K

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/622,855

Applicant(s)

GRECH, MICHEL L.F.

Examiner

Raj K. Jain

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites in line 4 here in part "... generating a general logic description of a service..". It is not clear from the drawing and/or specifications what is being claimed and how the invention would be interpreted. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites here in part;

" A computerized device for providing a broadband graphical service creation environment for creating intelligent network (IN) services"

"A computer device for providing.....environment creation" is non-statutory subject matter. According to 35 U.S.C. § 101, a claim that requires one or more acts to be

performed defines a process. However, not all processes are statutory under 35 U.S.C. § 101.

To be statutory, a claimed process must either: (A) result in a physical transformation for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application which produces a useful, tangible, and concrete result. In the above claim there is no disclosure of either an physical transformation or any useful tangible result and therefore non-statutory and thus non patentable .

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Lukacs (US Pat. 5,657,096).

Regarding claim 7, Lukacs discloses a computerized device 34 (Fig. 2) for providing broadband graphical service creation environment (see Fig. 2 which shows a number of users 34 in conference with other users using a video camera as attached, abstract), the real time video conferencing system of Fig. 2 employs a Broadband

Integrated Services Digital Network/Intelligent Network (see Fig. 1, col 4 lines 17-30) network for interactive video conferencing, the system comprising:

-building blocks (Fig. 7, video composing modules 96-107, col 6 lines 17-20), a picture editor for selecting the building blocks (see col 2 lines 55 – 60, a mouse is used as a picture editor for selecting a specific block to modify as appropriate) and generating logic description of a service and code generator (video encoding see col 2 lines 36-50), the building blocks being a collection of broadband specific actions, data access and data manipulation routines plus pictorial blocks that define the graphical layout of the service (see Figs. 2 and 4, abstract, the system uses a chain of video see Fig. 7 composing modules or building blocks 96-107 and other session oriented modules see Fig. 9. The various modules form the building blocks within a broadband ISDN environment with graphical user interface, see col 11 line 40 - col 12 line 22. Each user has functional control and capability to change the desired layout by moving and resizing desired images as appropriate and therefore offers data manipulation control, see col 2 lines 45-65, col 4 lines 20 – 40.).

Regarding claim 8, Lukacs discloses B-IN Application Protocol dependent Generic Service Building Blocks to handle functions required by a B-IN Application Protocol (see col 14 lines 1-50, Lukacs describes a generic protocol that is implemented to accommodate various user interfaces within a GUI environment: Furthermore, communications between the multimedia bridge 32 (AMB) see Fig. 1, uses a different protocol to be able to communicate with various modules and AMB hardware, thus

different protocols are implemented to properly accommodate the required sequence of functions within the GUI environment.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lukacs (US Pat. 5,657,096) as applied to in claim 7 above, in view of Ault et al (US005987495A), further in view of Faynberg (US PAT. 5664102). Lukacs discloses a method and system for real time video and conferencing (see Fig. 2 which shows a number of users 34 in conference with other users using a video camera as attached, abstract), the real time video conferencing system employs a Broadband Integrated Services Digital Network/Intelligent Network (see Fig. 1, col 4 lines 17-30) network for interactive video conferencing, the system comprising:

Lukacs fails to disclose building blocks running a specific message sequence that may be interrupted and resumed in an asynchronous event.

Ault discloses a method and apparatus for restoring a program following an interruption (see abstract). Fig. 1 an asynchronous event 120 is transferred to the interrupt handler 124, which saves contents of registers 110 and transfers control to

Art Unit: 2616

signal catcher 118, FIG. 8 shows the steps performed by the signal catcher 118 to return control to the normal part 116 of the program 104 at the point of interruption 120 after the signal catcher has performed its function and resume program execution at point of interruption, also see col 7 line 56 – col 8 line 59. The ability to resume processor operation at point of interruption, reduces processing overhead and resuming operation at the point of interruption rather than restarting the sequence event from start causing delay and redundant processor operation by reloading the sequence again.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Ault within Lukacs to allow for sequence interruption and resumption at point of interruption and therefore reducing delay and redundant processor operation by reloading the sequence again.

Lukacs and Ault fail to disclose service logic programs to support finite state machines.

Faynberg discloses an Intelligent Network Fig. 1 consisting of network elements 102-118 which store service logic programs for control and execution of programs within the a service control point 108, see col 1 lines 17-41, col 3 lines 5-17. SCPs allow interface to different networks having different logic programs so that a switch for example in one network can communicate and control a computer in another network via the SCPs.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Faynberg within Lukacs and Ault to allow for

intercommunication between differing networks to control and communicate seamlessly without interruption or problems.

Response to Arguments

Applicant's arguments with respect to claims 7-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2616


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

RJ
July 31, 2006


CHI PHAM
SUPERVISORY PATENT EXAMINER 8/1/06